



headquarters”); *Wierman v. Casey’s General Stores*, 638 F.3d 984, 1004 (8th Cir. 2011) (a corporation’s presence in a state does not destroy diversity jurisdiction).

5. Plaintiff does not allege an amount in controversy in his complaint. In a suit for declaratory judgment, the amount in controversy is the value of the right at issue. *Midwest Public Auction v. Motorsports of Bowling Green, Inc.*, No. 1:12CV73, 2012 WL 5413902, at \*3 (E.D. Mo. Nov. 6, 2012). Here, the complaint alleges that plaintiff has “ownership rights in 29,178 shares of common stock” of Raycom. *See* Complaint, at ¶ 15. Plaintiff seeks an order declaring that “the Plaintiff is the owner of those number of shares of common stock.” *Id.* at ¶ 16(B). As of the date of this filing, the current value of the rights at issue in this case exceeds \$75,000. *See* Exhibit 1. Accordingly, the amount in controversy requirement for diversity jurisdiction is satisfied. *See Johnson v. Texas Roadhouse Holdings, LLC*, No. 4:10CV36, 2010 WL 4177655, at \*3 (E.D. Mo. Oct. 20, 2010).

6. This action is not an action described in 28 U.S.C. § 1445, which delineates certain civil actions that are nonremovable under 28 U.S.C. § 1441.

7. Pursuant to 28 U.S.C. § 1441(a), Raycom has removed this civil action to the district and division within which is located the state court where the civil action is pending.

8. Promptly after the filing of this Notice of Removal, Raycom will provide written notice of same to plaintiffs’ counsel, and will file a true and correct copy of this Notice of Removal with the Clerk of the Circuit Court of Cape Girardeau County, Missouri.

9. Pursuant to Local Rule 2.03, a complete copy of the state court file, which consists solely of the Summons and Petition, and related service documents is attached hereto as Exhibit 2.

WHEREFORE, defendant Raycom Media, Inc., respectfully removes the above-entitled action from the Circuit Court of Cape Girardeau County, Missouri, to this Court for further proceedings according to law.

Respectfully submitted,

By: /s/ William Ray Price, Jr.

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ATTORNEYS FOR DEFENDANT

RAYCOM MEDIA, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 22<sup>nd</sup>, 2013, a true and accurate copy of the foregoing was served via first class mail, postage prepaid, upon:

Mark S. Johnson  
Johnson & Schneider, L.L.C.  
212 North Main Street  
Cape Girardeau, MO 63701  
*Counsel for Plaintiffs*

/s/ William Ray Price, Jr.